

**Nationally Significant Infrastructure Project: EN070008
Viking CCS Pipeline**

**Response to The Examining Authority's written questions and requests for
information (ExQ2) issued on 12 August 2024**

Prepared by Lincolnshire County Council (LCC)

2 September 2024

The following table sets out the Council’s response to the Examining Authority’s (ExA’s) written questions and requests for information (ExQ) where a response from the County Council was sought.

ExQ2	Question	LCC Response
Q2.1	General and cross-topic questions	
2.1.1	<p>Phillips 66 Limited and VPI Immingham LLP Please provide an update, including a likely decision date (if not already decided) for the planning applications by Phillips 66 Limited and VPI Immingham LLP for the carbon capture plant for their respective businesses.</p>	LCC has no comments to make and defers to North Lincolnshire Council and North East Lincolnshire District Council as the relevant determining authorities.
Q2.4	Climate change	
2.4.1	<p>Updated ES Chapter 15 The Applicant revised Environmental Statement (ES) Chapter 15 on Climate Change at Deadline 4 [REP4-029] answering requests for information. Furthermore, details of materials to be used and greenhouse gases derived therefrom were supplied as Appendix A to [REP4-041]. In respect of the updated information, do the local authorities have any comments or observations that the ExA should be aware of?</p>	LCC has no comments to make.
2.4.2	<p>Climate Resilience The revised ES Chapter 15 [REP4-029] sets out considerations in respect of climate change resilience for the Proposed Development. No</p>	LCC has no concerns its wishes to raise in respect of climate change resilience and does not dispute the applicant's conclusions in the assessment.

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	<p>substantive comments have been made about these to date, so the Examining Authority (ExA) assumes there are no fundamental concerns. Please confirm whether the Applicant’s ES is robust or not regarding these considerations.</p>	
<p>2. 6 Archaeology</p>		
<p>2.6.2</p>	<p>Detailed Archaeological Mitigation Strategy (DAMS) The Applicant committed to providing a DAMS to the County Archaeologist by ‘mid-August’, as reflected in the Action Points from Issue Specific Hearing 3 [EV9-010]. The ExA acknowledge that this may lead to a short time period between receipt of the document and Deadline 5, when ExQ2 is due to be responded to. However, please provide as detailed a review as possible of the DAMS confirming whether this is fit for purpose and whether residual concerns regarding archaeology are considered significant.</p>	<p>A draft document has been sent out for comment which includes a Detailed Archaeological Mitigation Strategy (DAMS), Overarching Written Scheme of Investigation (OWSI) and location plans for twenty-two proposed ‘action’ (presumably mitigation) areas, more of which may come to light as the evaluation trenching programme is currently ongoing.</p> <p>Comments have been invited for this document but as yet there has been no meeting proposed with the heritage consultees to discuss the DAMS, the OWSI or the proposed mitigation areas, indeed there doesn’t seem to have been a heritage stakeholder meeting since December 2023. We have commented previously that meetings with all the heritage stakeholders would be more conducive to finding accord and agreement than dealing with individual consultees by email, as they have with this DAMS document. We strongly recommend a consultation meeting for all the heritage consultees including all the relevant local authority curators and Historic England at the earliest opportunity.</p> <p>As might be expected from a document that has not been informed by engagement as it currently stands there are a broad range of concerns and clarifications required for the first draft documents which need to be discussed and hopefully resolved. There are questions of both methodology and approach which are of concern, to give an indicative selection:</p> <p>- section 3.4.5 <i>‘The Central Compound and temporary laydown, parking and welfare areas are situated within agricultural land. Where required, the topsoil will be stripped and</i></p>

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		<p><i>stored on-site for later respreading, and the construction compounds will be established utilising a geotextile membrane and stone surface hardstanding.</i> If archaeological deposits survive here topsoil stripping will make them more vulnerable to developmental impact, particularly compaction. This area therefore requires trenching to determine whether the proposed works are appropriate.</p> <p>- section 3.7.3 states that <i>'Where archaeological remains are to be buried temporarily beneath topsoil stockpiles a Method Statement will be prepared...'</i> We do not agree to this, plant movement and compaction issues have clear potential for damage and destruction of archaeological remains. Where mitigation of these archaeological areas is by record then the archaeological mitigation must be undertaken before movement of topsoil. Any outstanding archaeological mitigation areas which may be affected by development works will need to be fenced off and signposted to ensure there is no ground disturbance which may adversely affect the archaeological remains, including plant movement or storage.</p> <p>- section 3.9.2 on mitigation options do not include archaeological set piece excavation, the most intensive level of the standard range of archaeological mitigation techniques which would be appropriate for the most significant or complex archaeology. This section also includes a number of techniques which are not mitigation, such as Geoarchaeological/palaeoenvironmental investigation or Trial trenching/test pits: these are prospecting or evaluation techniques. While there may be areas where trenching has yet to be undertaken that is still for evaluation purposes and the results will need to inform the appropriate level of mitigation.</p> <p>- from the Outline WSI part of the document section 4.10.6 makes reference to <i>'key features'</i> (section 4.10.5) and <i>'selected key features/structures'</i> (4.10.6) for hand excavation. There is no definition of what would make a 'key' feature or structure but much more significantly this implies a presumption that there are some features and</p>

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		<p>structures which won't be hand excavated within the mitigation areas. This cannot and will not be agreed.</p> <p>- section 4.10.7 states that an <i>'iterative process is intended to allow the approach to excavation sampling to be both flexible and closely targeted to address specific questions, rather than being tied to a pre-determined excavation strategy.'</i> While an iterative approach is to be embraced there is a need for establishing clear and agreed acceptable minimum requirement parameters. If agreement on what work is required is left entirely to be determined during site meetings there is a risk of multiple delays during the work programme if agreements cannot be reached or site visits are not possible due to work pressures or staff shortage.</p> <p>- section 6.4.1 states that <i>'The ACoW will inform the Contractor upon completion of fieldwork at each action area where investigations have been undertaken or where protection measures can be removed.'</i> This is unacceptable, it is the responsibility of the relevant local authority curator to sign off mitigation areas and trenches once work has been completed to a satisfactory standard.</p> <p>- under section 4.7 Interruptions and Delays, section 4.7.2 states that <i>'The mitigation works will likely extend over different seasons of the year and from time to time it may be necessary to temporarily suspend archaeological work or activities within an action area, in order to preserve archaeological remains or to prevent potential damage until conditions improve (for example, as a consequence of episodes of heavy and persistent rain or prolonged wet weather).'</i></p> <p>Leaving archaeologically sensitive sites stripped and exposed to the elements for extended periods is excessively detrimental and causes unrecorded damage and destruction to currently surviving archaeology. While long periods of wet weather cannot be predicted between the spring and the autumn most of Lincolnshire is unsuitable for</p>

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		<p>archaeological fieldwork over the wet winter months. Each mitigation area will have a reasonable estimate of time for completion which will need to be accommodated within the work programme, and we would strongly push back on any proposals to open mitigation areas when we would reasonably expect seasonal wet weather before their satisfactory completion.</p> <p>The twenty-two proposed mitigation areas are represented solely by location plan, the basis for their selection has not been included. While some baseline evidence such as the Desk Based Assessment has previously been submitted and there is Historic Environment background information for each of the geographical sections of the route in the document, there are no trenching results or information on why the particular areas have been chosen. The heritage consultees therefore cannot comment on whether the selected mitigation areas and their extents are appropriate. No information has been provided either of what specific mitigation proposed for each area so again the heritage consultees cannot provide informed advice.</p> <p>Given the scheme covers several districts, several archaeological curators and Historic England will need to agree these documents and the proposed mitigation areas with their proposed level of mitigation responses.</p> <p>It is to be hoped that as the SoCG progresses more structured communication will be forthcoming which will allow the heritage consultees to engage with the process as a group to allow for a more responsive and forward-moving approach.</p>
2.6.3	<p>Outline Written Scheme of Investigations (OWSI) Following on from the above question, detail any residual concerns regarding the preparation of the OWSI or the approach the Applicant has taken to mitigation within it, the DAMS and the</p>	<p>Regarding the updated CEMP (REP4-028 - 6.4.3.1 Environmental Statement Volume IV - Appendix 3-1 Draft CEMP - Revision D), we are pleased that Table 2: Environmental Control Plans has been amended.</p>

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	<p>Outline Construction Environmental Management Plan (OCEMP).</p>	<p>No changes have occurred in Table 3: Draft Mitigation Register (Construction Phase) therefore all other concerns remain outstanding for this document as expressed in our previous representation, response to Deadline 2 submission [REP3-035] and following ISH3 [REP4-100]:</p> <p>In the same document we are for the most part very pleased to see the commitments in Table 3: Draft Mitigation Register (Construction Phase) in terms of the Historic Environment section D (pp37-40). We are however concerned about D3 which states that <i>'Targeted archaeological monitoring would be undertaken in areas where prior archaeological evaluation indicates this approach is appropriate, and/or in areas where archaeological investigation and recording in advance of construction are not feasible due to safety or logistical considerations, or undesirable due to environmental or engineering constraints. The works contractor's preferred method of working would be controlled as necessary by the supervising archaeologist to allow archaeological recording to take place to the required standard.'</i></p> <p>Targeted archaeological monitoring is part of a suite of standard archaeological mitigation techniques which also include set piece excavation and strip map and record which needs to be undertaken in advance of the commencement of groundworks or any associated activity such as plant movement across these mitigation areas. The use of targeted archaeological monitoring should occur only where that would be a reasonable archaeological mitigation response. This will need to be informed by the results of the trial trenching and an understanding of the developmental impacts along with the above mentioned archaeological fieldwork mitigation techniques and preservation in situ areas will be deployed as part of an agreed appropriate mitigation strategy across the redline boundary.</p>

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		<p>D2 includes the development and implementation of a detailed archaeological mitigation strategy which includes <i>'protection of remains within working areas and preservation of archaeological remains in situ.'</i></p> <p>The Draft CEMP does not include full details of the required measures for preservation in situ mitigation. The full extent of the archaeological areas must be determined and each area must be fenced off and subject to a programme of monitoring throughout the construction, operation and the decommissioning phases, and there will be no ground disturbance whatsoever which may disturb or affect the archaeological remains, including plant movement or storage. The fencing will need to remain in place and be maintained throughout the lifetime of the scheme. They need an Archaeological Clerk of Works and the management strategy for the preservation in situ areas will need to be included in their CEMP to ensure the protection measures stay in place throughout the development including any necessary remedial groundworks throughout the lifetime of the scheme.</p> <p>D12 is <i>'Limiting stripping for construction compounds, laydown, welfare and parking areas, haul roads and other associated works in areas where archaeology is recorded to avoid disturbance, and instead using geotextile and stone over topsoil.'</i></p> <p>Again while this is very positive as a commitment it would depend on the nature, significance and depth of archaeology whether this would be an appropriate mitigation measure, for example human skeletal remains may be found at no great depth in agricultural landscapes and they would be damaged and destroyed by this mitigation response. Again the appropriate level and type of mitigation will need to be informed by the trenching results.</p>
2.6.4	<p>National Policy Statement EN-3 (NPS EN-3) The Applicant has provided a note on policies raised by the Council during ISH3 [REP4-048],</p>	<p>LCC has no further comments to make in respect of NPS EN-3 or on the applicant's' note on policies [REP4-048]. LCC's position is as set out in Deadline 4 submission – Response to Issue Specific Hearing 3 Action Points [REP4-100].</p>

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	specifically stating that NPS EN-3 is not important and relevant to the Proposed Development and that footnote 94 relates solely to solar infrastructure. Is there any further response that the Council wishes the SoS to be aware of?	
Q2.7 Development Consent Order		
2.7.1	<p>Definition of Commence</p> <p>In the Deadline 1 response [REP1-059, Q1.7.1] it was said the commencement clause was acceptable providing access points were excluded. Can you confirm whether the commencement definition, as revised by the Applicant, is now acceptable.</p>	LCC has no further comments to make at this stage and is currently seeking advice from the Highway Authority regarding the revised definition and will make any further comments, if necessary, at deadline 6.
2.7.2	<p>ExA Schedule of Changes to the Development Consent Order</p> <p>Comments are invited from all parties on the ExA's proposed Schedule of Changes to the Development Consent Order, without prejudice to the respective party's positions on the Proposed Development.</p>	<p>With regards to PC004 Article 8(1) Replace "may without the consent of the street authority" with "following advance notification to the street authority, but without the need for express consent, may –". In response to Lincolnshire County Council's sustained objection. This still removes the need for consent but provides some means of managing works within the public highway across the network.</p> <p>LCC would welcome this change but also refer the ExA to our response to Q. 2.16.4 below.</p> <p>LCC does not have any comments on any other proposed changes.</p>
2.7.5	<p>Articles 38 and 39</p> <p>The Council maintains an objection to the drafting of articles 38 and 39 [REP4-099] and stated a</p>	A meeting between LCC and the applicant was held on 28 August 2024 at which the concerns of the LCC regarding the drafting of articles 39 and 40 were discussed. However, no agreement has been reached and LCC are not aware of any proposed changes to the

ExQ2	Question	LCC Response
	<p>meeting would be arranged with the Applicant to see if common ground could be found. Update the Examination on the conclusions of that meeting, any subsequent changes to the dDCO or the reasoning/ rationale on any difference of opinion between the parties.</p>	<p>wording of the dDCO. LCC’s position on this matter therefore remains as stated in our Deadline 4 Submission – Response to Issue Specific Hearing 2 Action Points [REP4-099].</p> <p>LCC note the applicant’s response [REP4-054] to LCC’s oral submission at ISH2 in respect of this matter. However, LCC would point out that Teesside Net Zero example quoted does not contain a specific power in relation to trees that are subject a TPO.</p> <p>In the absence of a schedule of trees to be removed in the dDCO, LCC consider that its concerns could be resolved if the wording of articles 39 and 40 were amended to limit the removal of trees, tree groups and hedgerows to those shown on tree and hedgerows plans in the arboricultural report and Tree and hedgerow removal beyond this would require approval.</p>
<p>Q2.8 Ecology and Biodiversity</p>		
<p>2.8.2</p>	<p>Biodiversity Net Gain (BNG) Given that BNG on NSIPs is not yet mandatory, provide any information you wish the ExA and the SoS to take into account as to why it is considered a Requirement is necessary for this project?</p>	<p>LCC accepts that at present the delivery of BNG is not a mandatory requirement for NSIPs. However, this is expected to become mandatory from November 2025 and emerging best practice amongst most NSIP developments is to seek to deliver BNG in advance of the statutory requirement to do so.</p> <p>In addition to this, Section 4.6 of Overarching National Policy Statement for Energy (EN-1) (17 January 2024) states: <i>“Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.</i></p> <p><i>In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present</i></p>

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		<p><i>planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.”</i></p> <p>Whilst EN-1 relates to Energy, EN-4 relates to Oil and Gas pipelines and at Section 1.3 to 1.3.2 states:</p> <p><i>1.3 Relationship with EN-1 1.3.1</i></p> <p><i>This NPS is part of a suite of energy infrastructure NPSs. It should be read in conjunction with EN-1.</i></p> <p><i>1.3.2 This NPS does not seek to repeat the material set out in EN-1, which applies to all applications covered by this NPS unless stated otherwise.</i></p> <p>The Environment Act 2021 introduced a strengthened ‘biodiversity duty’ which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. LCC is of the opinion that including a Requirement for the delivery of BNG by this development is consistent with this duty.</p>
2.8.3	<p>BNG Details</p> <p>In light of the Applicant’s commitments within the Outline Landscape and Ecology Management Plan (OLEMP) [REP2-026], is there any uncertainty remaining as to what would be done and when, or any amendments required to the OLEMP to provide reassurances of effective and long management?</p>	<p>The OLEMP does not provide details of calculations relating to BNG but at 1.5.41 refers to the Biodiversity Net Gain Assessment and the Biodiversity Net Gain Strategy Application Document. These documents set out the baseline biodiversity values and opportunities to deliver BNG respectively.</p> <p>Details provided in the OLEMP only refer to the delivery of BNG at Block Valve Stations (BVSs) and at the Theddlethorpe facility. LCC remains of the opinion that the Applicant should seek to deliver BNG in association with the pipeline route as well as at BVSs and Theddlethorpe. LCC contends that this should not be particularly difficult or costly to achieve e.g. by reinstatement of hedgerows along the pipeline route in a better condition than those removed, potential for enhancing reinstated field margins and headlands by introduction of appropriate seed mixes where appropriate and/or subsoil inversion to</p>

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		<p>promote the establishment of species which require nutrient poor conditions such as wildflowers.</p> <p>LCC notes the commitments made in the OLEMP and feels that the details provided relating to current commitments are broadly acceptable for this stage of the development. LCC considers that management prescriptions for habitats set out in the OLEMP are appropriate and species mixes proposed are acceptable.</p> <p>LCC notes that in several places (e.g. 1.4.9, 3.2.6, 3.3.9 and 3.4.6) reference is made to a five-year establishment and maintenance period. LCC suggests that this is amended to “30-year period” in line with the requirements for BNG and notes that commitments to undertaking Condition Assessments over a 30-year period are already referred to in 3.4.9.</p>
Q2.13	Landscape and Visual Amenity	
2.13.2	<p>OLEMP strategy</p> <p>Confirm for the record if the landscaping strategy, planting strategy and replacement/ compensatory landscape proposals of the Applicant, as set out in the OLEMP, are satisfactory and fit for purpose. If not, why not?</p>	<p>LCC considers the landscaping strategy, planting strategy and replacement/ compensatory landscape proposals, as set out in the OLEMP are broadly acceptable.</p>
2.13.3	<p>Reinstatement of land and landscape</p> <p>Notwithstanding decommissioning of the block valve stations and above ground infrastructure, are there any residual concerns regarding the proposals for reinstatement of land and landscape features for the pipeline construction corridor, or does the OCEMP and OLEMP provide</p>	<p>The OCEMP [REP4-027] Table 3: Draft Mitigation Register (Construction Phase) sections C- Landscape and Visual and F – Agriculture and Soils provide mitigation measures for the reinstatement of land.</p> <p>The OLEMP at paragraph 2.2.3 provides a commitment that sections of hedgerows or trees removed during the construction stage will be reinstated in line with the guidance outlined in the Good Practice Guide, to at least a similar style and quality to those that were removed. Paragraph 4.3.1 states that all soil restoration and monitoring measures</p>

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	sufficient reassurance that the landscape would be reinstated in a timely and effective manner?	set out in the Outline Soil Management Plan (document reference 6.4.10.1) will be adhered to ensure soil restoration does not have any long term impact on the landscape. Both the LEMP and CEMP are the subject of further requirements for approval and at this stage LCC are of the opinion that they are acceptable in terms of reinstatement of land and landscape.
Q2.16	Traffic and Transport	
2.16.1	Transport Assessment Is the Council content with the outcomes of the revised transport assessment [REP3-013]? If not, state specifically why not and the implications for the Examination and decision-making process?	Yes, this identifies that Thacker Bank and Thoroughfare are not suitable roads for construction. Whilst the specific mitigation (passing places) is not included in the REP3-013, Chapter 9 states that Mitigation will be included within the CTMP (commented on below).
2.16.3	Passing bay strategy and a revised Construction Traffic Management Plan The above referenced documents have been promised by the Applicant to be submitted mid-August. The ExA appreciates this probably gives little time for a full and informed response from the Council at Deadline 5, but the ExA would appreciate as much detail as possible regarding any agreements or disagreements on the content of these documents at that Deadline. Is the Council content that traffic would be effectively managed on the local highway network?	Technical Notes for Passing Bays proposed on Thoroughfare and Thacker Bank were provided to LCC on 14 August. These are acceptable in principle, proposing passing places along the routes to accommodate the HGV traffic. The construction details of the passing places will need to be agreed with LCC prior to implementation, through the CTMP approvals.

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2.16.4	<p>Permitting Scheme Details of the Council’s permitting scheme were provided at Deadline 4. Provide detail on whether the permitting scheme is/ should be incorporated into the Construction Traffic Management Plan and/ or whether or not it is/ should be incorporated as a Requirement or an amendment to an Article within the dDCO. Provide such a wording for the ExA to consider, if necessary.</p>	<p>The CTMP should include reference to Permitting Scheme and suggested wording as per LCC’s website.</p> <p>“Anyone who wants to carry out highways works in Lincolnshire must apply for a permit. This includes:</p> <ul style="list-style-type: none"> • utility companies (telephone, gas, electricity, water) • the council itself • anyone working on a permitted development that affects the highway <p>You must make all permit notifications via the Electronic Transfer of Notifications (EToN) system. This includes Provisional Advance Authorisations (PAAs), permit applications and variations.”</p> <p>The applicant has subsequently provided LCC with proposed draft wording to be included in the dDCO as follows:</p> <p>Draft article wording:</p> <p>New definition to be added to article 2 (interpretation): <i>“the permit scheme” means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016, which scheme is made under under Part 3 of the Traffic Management Act 2004.</i></p> <p>New article to be added as a new article 9 to Part 3 (streets) within the DCO:</p> <p>Application of the permit schemes 9. —(1) The permit scheme applies to the construction and maintenance of the authorised development and will be used by the undertaker in connection with the exercise of any powers conferred by this Part.</p>

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		<p><i>(2) For the purposes of this Order—</i> <i>(a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria; and</i> <i>(b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.</i> <i>(3) References to moratoria in paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.</i> <i>(4) Without restricting the undertaker’s recourse to any alternative appeal mechanism which may be available under the permit schemes or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit schemes in accordance with the mechanism set out in Part 2 of Schedule 2 (requirements) of this Order.</i></p> <p>The wording as proposed above is acceptable to LCC and this would be an acceptable way forward.</p>
2.16.6	<p>Thoroughfare crossing HGVs are stated by the Applicant to principally use the haul roads in proximity to Thoroughfare. Does the Construction Traffic Management Plan (as revised, see 2.16.2 above) give sufficient detail regarding the management of traffic at the haul road/ Thoroughfare interface or, if not, what additional mitigation would be required to make this safe?</p>	<p>LCC has not previously raised this as a concern. The dCTMP [APP-107] section 6.1 sets out details in respect of accesses that will need to be presented to local authority highways departments in order to work in partnership and lead to formal approval and this includes traffic management and is acceptable at this stage.</p>

ExQ2	Question	LCC Response
2.16.7	Thacker Bank With regards to questions 2.16.4 and 2.16.5 above, can the Applicant and the Council give corresponding views regarding Thacker Bank.	Permitting (see Q. 2.16.4 above) is required for Thacker Bank.
2.16.8	National Planning Policy Framework Could the Council confirm whether, taking into account the answers to the questions above and all material before the Examination, there would be any 'severe' impacts on the highway as a result of the Proposed Development.	No severe impacts are expected provided the mitigations in the CTMP are implemented.
Q2.17	Waste and Minerals	
2.17.1	Revised ES Chapter 18 The Applicant revised ES Chapter 18 at Deadline 2 [REP2-012]. Following these revisions, are there any comments or observations arising on waste matters that the ExA should be aware of, or have any/ all issues been resolved? Explain with reasons	At this stage LCC is satisfied with the draft CEMP [REP4-027] on waste matters which covers the 'pre-construction' and 'construction' phases of the project. LCC will comment on future versions of this, and of the SWMP, when they become available. LCC remain concerned, however, at the lack of information regarding the operational and decommissioning phases of the project, and request further clarification of the quantity, type and proposed destination of any wastes arising during those phases, particularly in the event that it becomes necessary to remove the pipes. Although it is noted that, for the bulk of the pipeline, the Applicant is intending to leave the pipes in situ after decommissioning, can it be demonstrated that it wouldn't impact on the future use of the land (e.g. as farmland)?
2.17.2	Revised Mitigation for JA Young Plastics Following revisions to the dDCO and the OCEMP, is the Council satisfied that appropriate mitigation now exists (and is correctly defined) for JA Young Plastics?	LCC are satisfied that appropriate mitigation for JA Young Plastics exists and is now correctly defined within both the draft CEMP [REP4-027] and the ES Chapter 18 (Materials and Waste) [REP2-010].

ExQ2	Question	LCC Response
2.17.3	<p>Waste Management</p> <p>The Applicant responded to the Council’s Local Impact Report at Deadline 2 [REP2-031] rebutting the concerns raised regarding the waste hierarchy, proximity principles, landfill capacity and study areas underpinning the ES. No response was provided at Deadline 3 from the Council but the ExA assume the point of difference still stands. Can the Council confirm their position as to whether or not the Proposed Development would be acceptable regarding its waste-related impacts.</p>	<p>At this stage LCC are satisfied with the Applicant’s responses [REP2-031] on the specific points raised in our LIR. However, LCC will continue to monitor, and comment on, future versions of the CEMP and SWMP when they become available.</p> <p>LCC remain concerned at the lack of information regarding the operational and decommissioning phases of the project, and request further clarification of the quantity, type and proposed destination of any wastes arising during those phases, as referred to under question 2.17.1 above.</p>
2.17.4	<p>Revised ES Chapter 18</p> <p>The Applicant revised ES Chapter 18 at Deadline 2 [REP2-012]. Following these revisions, are there any comments or observations arising on minerals/ resources matters that the ExA should be aware of, or have any/ all issues been resolved? Explain with reasons.</p>	<p>The Applicant has amended Table 18-19 (Landfill Capacity (2021) in East Midlands, Yorkshire and The Humber, and England) to address the typographical error as identified in our LIR.</p> <p>The revised ES Chapter 18 did not address the issues raised in LCC’s LIR in relation to the Study Areas for waste management, the use of 2021 landfill capacity data, or information on quantities of construction waste. The Applicant however responded to these points in their Comments on Local Impact Reports [REP2-031] and we were satisfied with this response.</p> <p>Regarding the effect of the DCO on existing mineral planning permissions, LCC are currently in dialogue with the applicant with regard to the precise drafting of Article 43 in respect of the effect on adjacent land, as expressed in LCC’s written summary to ISH2 [REP4-057]. LCC is broadly in agreement with Article 43 and expects that this matter can be resolved as a minor drafting matter and through the SoCG (LCC060).</p> <p>There are no other minerals/resources matters that we wish to make the ExA aware of.</p>

